



Sen. Laura Ellman

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10200HB3445sam001

LRB102 13298 KMF 26910 a

1 AMENDMENT TO HOUSE BILL 3445

2 AMENDMENT NO. _____. Amend House Bill 3445 by replacing
3 everything after the enacting clause with the following:

4 "Section 1. Short title; references to Act.

5 (a) Short title. This Act may be cited as the Opioid
6 Overdose Reduction Act.

7 (b) References to Act. This Act may be referred to as
8 Alex's Law.

9 Section 5. The Illinois Controlled Substances Act is
10 amended by changing Section 414 as follows:

11 (720 ILCS 570/414)

12 Sec. 414. Overdose; limited immunity.

13 (a) For the purposes of this Section, "overdose" means a
14 controlled substance-induced physiological event that results
15 in a life-threatening emergency to the individual who

1 ingested, inhaled, injected or otherwise bodily absorbed a
2 controlled, counterfeit, or look-alike substance or a
3 controlled substance analog.

4 (b) A person who, in good faith, seeks or obtains
5 emergency medical assistance for someone experiencing an
6 overdose shall not be arrested, charged, or prosecuted for a
7 violation of Section 401 or 402 of the Illinois Controlled
8 Substances Act, Section 3.5 of the Drug Paraphernalia Control
9 Act, Section 55 or 60 of the Methamphetamine Control and
10 Community Protection Act, Section 9-3.3 of the Criminal Code
11 of 2012, or paragraph (1) of subsection (g) of Section 12-3.05
12 of the Criminal Code of 2012 if: (i) evidence for the violation
13 was acquired as a result of the person seeking or obtaining
14 emergency medical assistance and providing the amount of
15 substance recovered is within the amount identified in
16 subsection (d) of this Section; and (ii) the person who seeks
17 or obtains the medical assistance is the first person to seek
18 or obtain the assistance, provides a name and contact
19 information, remains on the scene until assistance arrives or
20 is provided, and cooperates with the authorities. The
21 violations listed in this subsection (b) must not serve as the
22 sole basis of a violation of parole, mandatory supervised
23 release, probation, or conditional discharge, a person's
24 pretrial release, or furlough, or any seizure of property
25 under any State law authorizing civil forfeiture so long as
26 the evidence for the violation was acquired as a result of the

1 person seeking or obtaining emergency medical assistance in
2 the event of an overdose.

3 (c) A person who is experiencing an overdose shall not be
4 arrested, charged, or prosecuted for a violation of Section
5 401 or 402 of the Illinois Controlled Substances Act, Section
6 3.5 of the Drug Paraphernalia Control Act, Section 9-3.3 of
7 the Criminal Code of 2012, or paragraph (1) of subsection (g)
8 of Section 12-3.05 of the Criminal Code of 2012 if evidence for
9 the violation was acquired as a result of the person seeking or
10 obtaining emergency medical assistance and providing the
11 amount of substance recovered is within the amount identified
12 in subsection (d) of this Section. The violations listed in
13 this subsection (c) must not serve as the sole basis of a
14 violation of parole, mandatory supervised release, probation,
15 or conditional discharge, or any seizure of property under any
16 State law authorizing civil forfeiture so long as the evidence
17 for the violation was acquired as a result of the person
18 seeking or obtaining emergency medical assistance in the event
19 of an overdose.

20 (d) For the purposes of subsections (b) and (c), the
21 limited immunity shall only apply to a person possessing the
22 following amount:

23 (1) less than 3 grams of a substance containing
24 heroin;

25 (2) less than 3 grams of a substance containing
26 cocaine;

1 (3) less than 3 grams of a substance containing
2 morphine;

3 (4) less than 40 grams of a substance containing
4 peyote;

5 (5) less than 40 grams of a substance containing a
6 derivative of barbituric acid or any of the salts of a
7 derivative of barbituric acid;

8 (6) less than 40 grams of a substance containing
9 amphetamine or any salt of an optical isomer of
10 amphetamine;

11 (7) less than 3 grams of a substance containing
12 lysergic acid diethylamide (LSD), or an analog thereof;

13 (8) less than 6 grams of a substance containing
14 pentazocine or any of the salts, isomers and salts of
15 isomers of pentazocine, or an analog thereof;

16 (9) less than 6 grams of a substance containing
17 methaqualone or any of the salts, isomers and salts of
18 isomers of methaqualone;

19 (10) less than 6 grams of a substance containing
20 phencyclidine or any of the salts, isomers and salts of
21 isomers of phencyclidine (PCP);

22 (11) less than 6 grams of a substance containing
23 ketamine or any of the salts, isomers and salts of isomers
24 of ketamine;

25 (12) less than 40 grams of a substance containing a
26 substance classified as a narcotic drug in Schedules I or

1 II, or an analog thereof, which is not otherwise included
2 in this subsection.

3 (e) The limited immunity described in subsections (b) and
4 (c) of this Section shall not be extended if law enforcement
5 has reasonable suspicion or probable cause to detain, arrest,
6 or search the person described in subsection (b) or (c) of this
7 Section for criminal activity and the reasonable suspicion or
8 probable cause is based on information obtained prior to or
9 independent of the individual described in subsection (b) or
10 (c) taking action to seek or obtain emergency medical
11 assistance and not obtained as a direct result of the action of
12 seeking or obtaining emergency medical assistance. Nothing in
13 this Section is intended to interfere with or prevent the
14 investigation, arrest, or prosecution of any person for the
15 delivery or distribution of cannabis, methamphetamine or other
16 controlled substances, drug-induced homicide, or any other
17 crime if the evidence of the violation is not acquired as a
18 result of the person seeking or obtaining emergency medical
19 assistance in the event of an overdose.

20 (Source: P.A. 102-4, eff. 4-27-21.)

21 Section 99. Effective date. This Act takes effect January
22 1, 2022."